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RUCNCIS/CIS COLLECTIVE
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RUEHAK/AMEMBASSY ANKARA 1894
RUEHBJ/AMEMBASSY BEIJING 1872
RUEHRL/AMEMBASSY BERLIN 1811
RUEHIL/AMEMBASSY ISLAMABAD 1920
RUEHBUL/AMEMBASSY KABUL 1884
RUEHLO/AMEMBASSY LONDON 1761
RUEHNE/AMEMBASSY NEW DELHI 1911
RUEHFR/AMEMBASSY PARIS 1566
RUEHKO/AMEMBASSY TOKYO 1582
RUEKJCS/SECDEF WASHINGTON DC
RHMFISS/HQ USCENCOM MACDILL AFB FL
RHMFISS/HQ USEUCOM VAIHINGEN GE
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RUEHVEN/USMISSION USOSCE 1853
RUEHBS/USEU BRUSSELS 1137
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SUBJECT: DEMONSTRATORS CHARGE ILLEGAL DETENTION AND VIOLATION OF RIGHTS

REF: DUSHANBE 2033

CLASSIFIED BY: Tracey Jacobson, Ambassador, U.S. Embassy
Dushanbe, STATE.
REASON: 1.4 (b), (d)

¶1. (C) SUMMARY: Three Democratic Party of Tajikistan members were released November 19 after serving 15 days in prison for organizing a demonstration. Khairiddin Gulyaev and Temur Toshev (also known as Temur Iskandarov), two of the imprisoned members, met with Poloff November 22 to assert their innocence and relay the illegal nature of their detention. Both men were denied a fair trial and insist their arrests were politically motivated. Their actions represent an unusual act of political defiance for Tajikistan but do not likely represent a new trend of activism, in a country where most citizens prefer to keep their heads down, and demonstrations are still linked in the public consciousness with the onset of the civil war. END SUMMARY.

¶2. (C) On November 4 the DPT's Dushanbe branch officials decided to hold a small demonstration with placards and signs in front of the Ministry of Justice (reftel). The members consulted with Rahmatullo Zoyirov, one of Tajikistan's preeminent lawyers and also the chairman of the Social Democratic Party of Tajikistan (SDPT), prior to the demonstration. Zoyirov advised the group that it would not be illegal for them to "picket" in front of the Ministry of Justice—that if they did so, they would not be "demonstrating." If others so happen to join then, so be it. Unfortunately, for the DPT members, Zoyirov's interpretation of the law failed them.

¶3. (C) As Gulyaev explained to PolOff, the demonstrators were barely able to climb out of the car in front of the Ministry of Justice when police rushed to apprehend them. The

demonstration was stopped before it could even begin. Within one hour, authorities arrested DPT members, Rajabi Mirzo, Khairiddin Gulyaev and Temur Toshev who is the brother of imprisoned DPT chairman, Mahmadrusi Iskandarov. Because of this swift action, Gulyaev believes the Ministry of Security had bugged DPT members' phones. Only a few select people knew about the demonstration ahead of time, including some members from the SDPT and the unregistered faction of the Socialist Party of Tajikistan. A total of 15-16 others who were prepared to take part in the demonstration were not arrested or questioned by the police. These three DPT leaders were targeted.

14. (SBU) According to Temur Toshev, he did not even participate in the demonstration; he simply gave other DPT members a ride to the Ministry of Justice. He departed the scene and had no intention of participating in the demonstration. Within one hour, authorities later called him in for questioning and led him to believe they were out to charge him with a lesser crime of traffic violations.

15. (C) The process by which the three men were arrested, tried and sentenced violated their legal rights. Within a span of five hours, the members were arrested, taken into the police station, interrogated, brought to trial in front of a judge, and sentenced to 15 days in prison. They did not have access to a lawyer. Gulyaev and Toshev told PolOff they believed the trial in front of the judge was a sham. There were only a handful of people in the room during the trial: the judge, the defendant, and a Ministry of Interior official. Toshev did not clearly understand the charges being brought against him until it was too late, as he understood he was being brought in on charges of traffic violations. Gulyaev and Toshev told PolOff that they were not mistreated or tortured while in prison. (Note: The third DPT member, Rajabi Mirzo, has been out of town and did not

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meet with PolOff.)

16. (SBU) The official charge against the three men was "demonstrating without a permit." Demonstrations are illegal in Tajikistan without prior permission from the government. During the past year, other political groups have attempted to organize passive demonstrations, even ones regarding issues unrelated to the Tajik government, but were turned down. Deputy DPT Chairman Rahmatullo Valiev, knowing the ramifications of the demonstration, was against the idea, but could not discourage the group. Police also accused the members of intending to "inflame the people" and cause a high profile incident before the election in order to embarrass Rahmonov in the international arena. The Democratic Party members denied these charges and argued they were simply protesting the Ministry of Justice's corrupt decision to register the Vatan faction as the official Democratic Party of Tajikistan.

17. (C) COMMENT: The detainees' story differs significantly from other accounts of the demonstration. Some observers claim that the demonstrators managed to unfurl a banner at the Ministry of Justice before being detained. Although the men may have been guilty of demonstrating without a permit under Tajik law, they were not afforded a fair trial and were denied basic civil rights. The police moved in to arrest the men because they may have believed that even a small demonstration could incite violence and did not want to allow that possibility right before the November 6 election.

18. (C) COMMENT CONTINUED: The demonstration was an unusual act of defiance from normally passive Tajiks, who rarely confront their government or publicly complain about injustice. However, this small gesture landed the DPT members where most would have predicted: in jail, with little public sympathy or support. The government employs rule by law, not rule of law, to forbid demonstrations, squash dissent and restrict freedom of speech. These arrests demonstrate that criticism of the government will not be tolerated in Tajikistan and citizens will be even less likely to raise public complaints in the future. END COMMENT.
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